

PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD

March 13, 2000

The Historic Conservation Board met at 3:00 PM, in the J. Martin Griesel Room, Centennial Plaza II, with five members present: Messrs. Bloomfield, Raser and Senhauser and Mmes. Borys and Spraul-Schmidt. Absent were Messrs. Dale and Kreider, Mmes. Sullebarger and Wallace.

MINUTES

The minutes of the February 28, 2000 meeting (motion by Spraul-Schmidt, second by Borys) were approved as amended.

CERTIFICATE OF APPROPRIATENESS--3728 SACHEM AVENUE, COLUMBIA-TUSCULUM HISTORIC DISTRICT

Staff member Dan Young summarized the staff report and distributed photographs of the reconstruction and expansion of a front yard deck and construction of a new side yard deck. The City issued a stop work order on the project because the contractor told the owner a permit was not required and began construction without application for a building permit. Because no elevations have been presented, Mr. Young offered as many photographs as possible.

Although guidelines for the Columbia-Tusculum Historic District say front decks are not appropriate, this was an existing condition at the time of the historic designation. Decks are approvable on the sides and rears; the new deck falls into that category; no side or rear yard set back variances are required.

Staff recommends approval of the certificate of appropriateness with some conditions:

1. the railings appear to extend up from the deck flooring instead of being suspended on the outside of the deck
2. the structural posts supporting the railings be topped with a decorative cap or finial to be approved by the Urban Conservator
3. the railings and other non-flooring parts of the deck be painted or stained to tie in with the new unified color scheme, also to be approved by the Urban Conservator, the owner plans for the building
4. the undersides of the deck be screened with lattice work painted or stained to match the decks and house
5. substantial new landscaping around the deck footings, to be approved by the Urban Conservator.

Questions to the Staff and owner and discussion by the Board followed. The rebuilt deck will be one foot wider than the existing deck. Ms. Borys asked for clarification of plans for landscaping. Mr. Bloomfield suggested that more substantial columns supporting the deck would improve the appearance.

Mr. Senhauser said this is clearly a repair of an existing deck, but the rebuilt deck is substantially larger than the original. He said he has no issue with repair of the deck but enlarging the deck is an issue. He also stated he is uncomfortable with rewarding someone who begins work without a permit by granting a Certificate of Appropriateness after the project is underway.

Mr. Raser commented that he would like to see elevations and that many of the questions now being raised, such as increasing the size of the deck, should have been addressed before construction began.

BOARD ACTION

Upon motion by Spraul-Schmidt, seconded by Raser and unanimously approved, the application was tabled. The Board requested that the Owner provide accurate, clear information about the front deck including:

1. more elevations and drawings showing the completed deck and possible treatment of the band that begins on front deck and might be extended around the house
2. design of columns
3. final size vs. original size
4. design and finish of railing on both decks and steps

CERTIFICATE OF APPROPRIATENESS & ZONING VARIANCE--3009 FAIRFIELD AVENUE, EAST WALNUT HILLS HISTORIC DISTRICT

Urban Conservator William Forwood summarized the staff report. In 1999 the owner, Mr. Theodore McConnell, erected a deck at the rear of the property. Building Inspector Terry James recognized this deck as having been constructed without a building permit and issued a violation notice on undocumented construction on it. Since the deck is almost invisible from the street, the Certificate of Appropriateness is a minor issue; however, the zoning issues are more complicated.

The rear deck has no railing and is located approximately 14-inches above grade. Another deck, at the back of the building and attached to it (labeled as *Existing Stoop* on the staff report map generated by CAGIS) was erected prior to 1999. The stoop encroaches 18-inches to 28-inches over the property line to the north onto property of Ms. Indu B. Bhardwaj. A 1995 property survey made for Ms. Bhardwaj shows her garage fully on her property; the applicant has no site survey. The CAGIS map may not be as accurate as the survey.

The Building Department will require a site survey when the owner of 3009 Fairfield Avenue applies for a building permit. The HCB may require it as a condition of the Certificate of Appropriateness for the setbacks. Because of the undersized lot for 3009 and other considerations, only a 2-foot sideyard setback is required. The owner is asking for a 1-foot variance, but without a survey there is no way to know whether the 1-foot setback is accurate. A variance from the required 32-foot rear yard setback will be necessary. The accuracy of the measurement of 6-feet to the rear property line shown on the map is also unknown. The 6-foot measurement is to a rear fence, but the owner is unable to document whether the fence is on the line, his neighbor's property or his own property.

Mr. Forwood said that, after writing the comments distributed to Board members prior to their meeting, staff has learned some other things which lead him to advise the Board that it does not have enough information to determine what exactly is required for setback variances. Board choices are:

- 1) to table the application and make a site survey a condition of applicant when he resubmits the application
- 2) to approve variances within a range, hoping that when the site dimensions are known the structure will fall within these limits.

Mr. Forwood said the real issue from the standpoint of the neighbor at 3015 Fairfield, who attended the pre-hearing conference, is the removal of the encroachment from her property.

The owner of 3009 has submitted neither an application for the permit nor plans for deck construction to Buildings & Inspections. Mr. Senhauser summed up the situation, saying any consideration for granting a Zoning Variance includes many other issues such as

- 1) Substantiating whether or not the existing deck, or stoop, encroaches upon the neighbor's property. If it does, this must be corrected.
- 2) If the construction of the new deck does not meet Code, orders may be written to either reconfigure or remove it, making the question moot.

Ms. Indu Bhardwaj of 3015 Fairfield Avenue addressed the Board and submitted a copy of a 1995 survey of her property. She has built a garage on her property and has a permit to install a fence; the encroaching stoop prevents fence installation. Ms. Bhardwaj said that, despite her repeated requests to remove the encroachment and offer to bear some of the cost of its removal, not only has Mr. McConnell not removed the stoop he built without a permit, he has enlarged it and now built the new deck without a permit. She stated that the property at 3009 Fairfield Avenue is for sale.

Building Inspector Terry James was present. He has issued orders to Mr. McConnell to document all the work he has done; this will require a setback

variance and a survey. Mr. Senhauser said that a survey will be required to get a Building Permit.

Mr. Theodore McConnell, the owner of 3009 Fairfield Avenue, did not attend the meeting. Mr. Forwood said Mr. McConnell has stated he is amenable to removing the encroaching stoop from Ms. Bhardwaj's property; he wants to know everything he must do before he begins.

BOARD ACTION

The Board voted unanimously (motion by Bloomfield, second by Borys) to table this application as incomplete pending receipt of:

1. A site survey
2. A completed permit application with drawings and elevations for construction of the deck
3. An indication from the Building Department that the deck is built according to Code.

ADMINISTRATIVE

Mr. Forward announced that Ms. Molly Henning has resigned.

The Hope Six proposal with a request to decertify Laurel Homes' historic designation will come to the Board at the March 27, 2000 meeting.

ADJOURNMENT

As there were no other items for consideration by the Board, the meeting adjourned (motion by Bloomfield, second by Raser).

William L. Forwood
Urban Conservator

John C. Senhauser
Chairman

DATE _____